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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,366	09/30/1999	YUE HENG XU	INTL-0250-US	5274

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TIMOTHY N TROP  
TROP PRUNER HU & MILES PC  
8554 KATY FREEWAY STE 100  
HOUSTON, TX 77024

EXAMINER

DELA TORRE, CRESCELLE N

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/409,366

Applicant(s)

YUE HENG XU

Examiner

Crescelle N dela Torre

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

### DETAILED ACTION

This action is responsive to communications: Amendment, filed on 2/5/02.

This action is final.

Claims 1-18 are pending in this application. Claims 1, 10, and 15 are independent claims. In the Amendment, filed on 2/5/02, claims 3, 8, and 15 were amended, and claims 19-30 were canceled.

The present title of the invention is "Using Two Electronic Programming Guides" as originally filed.

#### ***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Schneidewend et al (U.S. patent 6,249,320).

As to claim 1, Schneidewend et al, hereinafter Schneidewend, teach the following subject matter:

providing access to first EPG with a first set of program selections over a first medium, at figure 13;

providing access to a second EPG with a second set of program selections over a second medium, at figure 12; and

enabling user selection of viewing programs, at column 11, lines 55-58.

In addition, as per claim 1, Schneidewend teaches the use of different media at column 3, lines 5-8, which describes that the "principles of the invention may be applied to terrestrial, cable, satellite, Internet or computer network broadcast systems".

Schneidewend also teaches at column 12, lines 43-46, that a "datastream formed according to the invention principles may be used in a variety of applications including video server or PC type communication via telephone lines" and that the datastream "may be recorded on a storage medium and transmitted or re-broadcast to other servers, PCs, or receivers".

As per claim 2, Schneidewend shows that the second set at figure 12 is more extensive than the first set at figure 13.

In addition, as to claim 3, Schneidewend teaches that the first EPG provides the programming guide and program content, at column 12, lines 8-14.

As per claim 4, Schneidewend shows providing the second EPG, at figure 12.

Regarding claim 5, Schneidewend couples the user to the second medium upon receiving an access request, at column 12, lines 21-23.

As to claim 6, Schneidewend teaches internet access, at column 3, lines 5-16.

In reference to claim 7, Schneidewend teaches user selection of provided program selections, at figure 13.

As per claim 8, Schneidewend teaches providing the first and second EPGs in response to user request, at column 12, lines 21-23.

Regarding claim 9, Schneidewend teaches providing tuning information, at column 4, line 21.

As to claims 10-14, they correspond respectively to claims 1 and 5-8.

As per claim 15, Schneidewend teaches a content provider providing content and a first EPG, at column 3, lines 18-20; and a server for providing a second EPG upon request, at column 11, lines 2-5. Schneidewend also teaches the use of different media at column 3, lines 5-8, which describes that the "principles of the invention may be applied to terrestrial, cable, satellite, Internet or computer network broadcast systems". In addition, Schneidewend teaches at column 12, lines 43-46, that a "datastream formed according to the invention principles may be used in a variety of applications including video server or PC type communication via telephone lines" and that the datastream "may be recorded on a storage medium and transmitted or re-broadcast to other servers, PCs, or receivers".

In reference to claim 16, Schneidewend teaches terrestrial, cable and satellite broadcast systems, at column 3, lines 5-8.

Schneidewend teaches an internet connection [claim 17] at column 3, line 6.

As to claim 18, Schneidewend shows a second EPG at figure 12 that is more extensive than a first EPG at figure 13.

***Response to Arguments***

3. Applicant's arguments filed 2/5/02 have been fully considered but they are not persuasive.

As to claims 1, 10, and 15, applicant's primary argument regarding the Schneidewend reference is that Schneidewend does not teach the use of two different media for providing access to a first and second EPG and allowing a user to select viewing programs over the first and second media. The examiner does not agree because Schneidewend teaches at column 3, lines 5-8, that the "principles of the invention may be applied to terrestrial, cable, satellite, Internet or computer network broadcast systems". Furthermore, Schneidewend teaches at column 12, lines 43-46, that a "datastream formed according to the invention principles may be used in a variety of applications including video server or PC type communication via telephone lines" and that the program datastream "may be recorded on a storage medium and transmitted or re-broadcast to other servers, PCs, or receivers". Thus, Schneidewend teaches the use of different media.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Byrne et al (U.S. patent 5,990,883) describe the display of electronic programming information from different physical sources.

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Nishikawa et al (U.S. patent 6,348,932) detail the presentation of different types of service in a menu.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crescelle N dela Torre whose telephone number is (703) 305-9782. The examiner can normally be reached on Monday-Thursday, from 8am-4pm, and on alternate Fridays, from 8am-3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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746-7239 for official communications; (703) 746-7238 for After Final communications; and (703) 746-7240 for non-official or draft communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*C. DeLa Torre*

**CRESCELLE N. DELA TORRE  
PRIMARY EXAMINER**